

FILED

FEB 01 2017

Clerk, U.S. District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK MIRANDA,

Defendant,

FRANZ BAKERY,

Garnishee.

CR 07-124-BLG-SPW

**WRIT OF CONTINUING
GARNISHMENT**

GREETINGS TO: Franz Bakery
5150 Midland Road
Billings, MT 59101

An application for a writ of garnishment against the property of Frank Miranda, defendant, (hereinafter referred to as "the judgment debtor") has been filed with this court. A judgment for restitution was entered against the judgment debtor on or about

May 14, 2009 in the above-cited action. The total balance due is \$8,972.50, as of January 31, 2017, plus accruing costs and interest in this action. The judgment debtor's last known address is in Billings, MT. The street address of the judgment debtor is redacted pursuant to Rule 49.1(a)(5) Fed.R.Crim.P.

You are hereby required to withhold and retain pending further order, any property or funds in which the judgment debtor has a substantial nonexempt interest and for which you are now or may in the future become indebted to the judgment debtor, Frank Miranda.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the judgment debtor, including nonexempt, disposable earnings.

Please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States District Clerk at: Clerk of U.S. District Court, 2601 Second Ave North, Suite 1200, Billings, MT 59101. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor, Frank Miranda, and upon Victoria L. Francis, Assistant United States Attorney, 2601 Second Avenue North, Suite 3200, Billings, Montana, 59101.

Under the law, there is property which is exempt from this writ of garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying clerk's notice of post judgment garnishment.

Pursuant to 15 U.S.C. §1674, garnishee is prohibited from discharging the judgment debtor from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the court for an order requiring you to appear before the court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

DATED this 31st day of January, 2017.


SUSAN P. WATTERS
United States District Court Judge